

REMARKS

Claims 1-2 are pending in the above-identified application. Claims 1-2 were rejected, and are currently at issue.

I. Double Patenting Rejection

Claims 1-2 were provisionally rejected under obvious-type double patenting over claim 1 of co-pending commonly owned Application Serial Number 09/844,066 in view of Ananda. For the record, Applicant respectfully traverses the Examiner's assertion that claims 1-2 would be obvious over the hypothetical combination of claim 1 of co-pending commonly owned Application Serial Number 09/844,066 and Ananda. Nonetheless, in the interest of expediting the prosecution, as per 37 C.F.R. § 1.321, Applicant, through the attorney of record, files a terminal disclaimer with the appropriate fee herewith.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Guski in light of Doyle and Ananda. Applicant respectfully traverses this rejection. The application at issue is a continuation-in-part of U.S. Patent Application Serial No. 09/158,592, filed September 22, 1998, entitled "Method and System for Transient Key Digital Time Stamps," now issued as U.S. Patent Number US 6,381,696 B1, which in turn claims priority under 35 U.S.C. § 119(e) from U.S. Provisional Patent Application Serial No. 60/059,455, filed September 22, 1997, entitled "Method and System for Transient Key Digital Time Stamps." Doyle, which is commonly owned by the assignee of this application, is a published PCT application, covering the same subject matter as U.S. Patent Application Serial No. 09/158,592, filed September 22, 1998. Like U.S. Patent Application Serial No. 09/158,592, Doyle was filed September 22, 1998, and claims priority from U.S. Provisional Patent Application Serial No. 60/059,455, filed September 22, 1997.

Michael D. Doyle, the inventor of Patent Application Serial No. 09/158,592 (and the Doyle reference) is the first named inventor of the application at issue. The application at issue was filed while Patent Application Serial No. 09/158,592 was pending, with a specific reference to its parent application. The reference to the parent application is amended herein to more clearly indicate that the application at issue claims priority under 37 C.F.R. § 1.78 as a continuation-in-part of U.S. Patent Application Serial No. 09/158,592.

Because the application at issue is a continuation-in-part of a U.S. patent application identical in scope and filing date to Doyle, the application at issue has a priority date at least as early as the filing date of Doyle, for such material as is taught by Doyle. For that reason, Doyle cannot be prior art to the application at issue, and the rejection cannot stand.


For the record, Applicant respectfully traverses the Examiner's assertion that claims 1-2 would be obvious over the hypothetical three-way combination of Guski, Doyle and Ananda. For the record, Applicant also respectfully traverses the Examiner's assertion that sufficient motivation exists to combine Guski, Doyle and Ananda.

Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: March 30, 2005

By: 
Jeffrey Brill
Registration No. 51,198
SONNENSCHN EINH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(415) 882-2479